

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KAI A. REEVES, )  
Petitioner/Defendant, )  
vs. ) Civil No. 12-cv-588-JPG  
UNITED STATES OF AMERICA, ) Criminal No. 09-cr-40069-GPM  
Respondent/Plaintiff. )

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Kai A. Reeves's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. §2255 (Doc. 1). One of Reeves's arguments in support of relief is that his counsel was constitutionally ineffective for failing to file a notice of appeal of his sentence. The United States has responded (Doc. 8) that Reeves's counsel claims Reeves never made such a request.

The Court believes an evidentiary hearing would expedite the resolution of this particular alleged basis for § 2255 relief. Accordingly, the Court **DENIES** Reeves's motion to forego an evidentiary hearing (Doc. 12) and **ORDERS** a hearing to be held. The parties will be notified of the hearing date and time by separate minute order. Reeves shall be allowed to participate by videoconference. The Court further finds that the interests of justice require that Reeves be represented by counsel at the hearing but that he is unable to afford counsel. Accordingly, the Court hereby **ORDERS** that, pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings and 18 U.S.C. § 3006A, the Federal Public Defender's Office is **APPOINTED** to represent Reeves *for the purposes of this hearing only*. Should it become apparent after the hearing that further briefing on Reeves's § 2255 motion is necessary, the Court will enter an appropriate order at that time.

**IT IS SO ORDERED.**

**DATED: December 20, 2013**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**